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FD STATES DISTRICT JUDGE

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February 7, 2008

VIA FACSIMILE

The Honorable Naomi Reice Buchwald
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 Room 2270
 New York, NY 10007

RE: Capital Beverage Corp. v. Oak Beverages, Inc., et al. - No. 07 Civ. 6063 (NRB)

Dear Judge Buchwald:

We represent Plaintiff Capital Beverage Corporation in the above matter. On behalf of all parties, we write to provide a brief update on the status of proceedings pending before the State of New York Department of Labor ("NYDOL") concerning the NYDOL's experience ratings assessment for Oak Beverages, Inc. ("Oak").

On December 3, 2007, the Court granted the parties' mutual request for the following discovery schedule: (1) completion of all written discovery and exchange of documents by February 15, 2008; and (2) completion of all deposition discovery by March 28, 2008. We were informed this week, however, that the New York Unemployment Insurance Appeals Board has scheduled an administrative hearing on Oak's experience ratings assessment for February 27, 2008, which will also concern issues relevant to the pending proceeding before the Court.

In light of the scheduled hearing, the parties would jointly and respectfully propose to the Court that, subject to the Court's consideration and approval, the present discovery schedule be amended as follows: (1) completion of all written discovery and exchange of documents by March 28, 2008; and (2) completion of all deposition discovery by May 2, 2008.

Please let us know if this schedule is acceptable to the Court.

Respectfully submitted,

Martin S. Siegel
 Martin S. Siegel

*So Ordered
 Naomi Reice Buchwald*

*USDC
 2/7/08*

cc: Counsel of Record

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